

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/021,466 02/10/98 DEHRKE

T 1177

021396 TM02/1106
SPRINT COMMUNICATIONS COMPANY
HARLEY R BALL
8140 WARD PARKWAY SW
KANSAS CITY MO 64114

EXAMINER

KUPSTAS, T

ART UNIT

PAPER NUMBER

2153

DATE MAILED:

11/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/021,466

Applicant
Oehrke et al

Examiner
Tod Kupstas

Art Unit
2153



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 22, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-78 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 10
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

Art Unit: 2153

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1,3, 10-15, 19-27, 31-34, 36-39, 42-44, 46, 47, 59, 60, 63-70, 73, 74, 75, 77, 78 are rejected under 35 U.S.C. 102(e) as being anticipated by Bolosky et al. (US 5,699,503).

As set forth in claim 1, Bolosky discloses a system for providing network processing and stored data access (see fig. 2), the system comprising: (a) at least first and second servers (18a, 18b, and 18c) operative to simultaneously process at least first and second user requests, respectively, each of the first and second processors applying substantially the same application at substantially the same times (the video information being accessed is striped among the storage devices to be processed at the same time in the event of a system failure); (b) a switch operatively connected to at least the first and second servers (the system can switch between the failed and operative information, this indicates a switch); and (c) a data storage device operatively connected to the switch (see elements 22A-22C, 24A-24C) ; see col. 8, lines 13-37; (d) wherein data stored in the data storage device is associated with the application (the striped video data); and (e)

Art Unit: 2153

wherein at least the first and second servers operate at substantially the same time (they store copies of the video data in the event of system failure).

As set forth in claim 3, Bolosky discloses a system wherein the application is associated with a plurality of users (the system is video broadcasting system over the network).

As set forth in claim 10, Bolosky discloses a system wherein the switch comprises a switch with at least first and second interfaces for each of said servers and the data storage device, the switch operatively connected between the servers and the data storage device (see fig. 2, 18a-18c, and see col. 3, lines 36-67).

As set forth in claim 11, Bolosky discloses a system wherein the data storage device comprises at least first and second mirrored data storage devices; see col. 3, lines 36-67, although the storage devices contain striped data, the data is still mirrored, essentially the system is a mirrored data system for a specialized video system).

As set forth in claim 12, Bolosky discloses a system wherein the first and second mirrored data storage devices comprise storage devices with substantially the same data in at least a portion of data in each storage device (having the same data mirrored on the first and second mirrored devices is necessary for the fault recovery); see col. 7, line 39-col. 8, line 12.

As set forth in claim 13, Bolosky discloses a system wherein the first and second mirrored data storage servers comprise storage devices associated with a plurality of applications; (each video data comprises a separate application; see col. 7, line 39-col. 8, line 12.

Art Unit: 2153

As set forth in claim 14, Bolosky discloses a system wherein the first and second data storage servers are each associated with a plurality of users (the video data is streamed to a multitude of users).

As set forth in claim 15, Bolosky discloses a system wherein each of the first and second data storage devices comprise a hard disk and a processor (20a-20c (processors), and 22a-22c, 24a-24c (hard disk)).

As set forth in claim 19 Bolosky discloses a system for providing network processing and stored data access, the system comprising: (a) at least first and second sets of servers (18a-18c), each of the sets comprising at least two servers operative to simultaneously process at least two user requests (22a-22c, 24a-24c, the storage devices, primary and secondary, act as servers), respectively, each of the two servers applying substantially the same application at substantially the same time (the video data is striped onto both devices); (b) at least first and second switches, each switch operatively connected to each of the servers in each of the sets (switching to the back up device requires as switch and therefore is inherently in the system); (c) at least two data storage device operatively connected to each of the first and second the storage devices (the storage devices); (d) wherein data stored in the data storage devices is associated with the application of at least one set of servers (the video data); see col. 7, lines 39-col. 8, line 12, furthermore the system could be viewed from the level of the having multiple systems 10, which would be able to service a variety of clients, thereby being a system with a first and second set of servers. The Examiner further notes that a server is a term that could include a lot of different

Art Unit: 2153

interpretations, in this situation the whole system could be considered a server, and the lower level devices sub-servers, and the sub-servers could in turn simply be referred to as servers.

As set forth in claim 20, Bolosky discloses a system wherein the application for each set of servers comprises an application selected from the group of: a mail application, a news application, a directory application, a content application, a groupware application, and an Internet protocol (IP) service; (video can be considered an application, possibly grouped in either content, maybe groupware, possibly news).

As set forth in claim 21, Bolosky discloses a system wherein the application for each set of servers is associated with a plurality of users; see fig. 2, see col. 5, lines 28-47.

As set forth in claim 22, Bolosky discloses a system wherein each of the operative connections from each of the servers to each switch and each of the operative connections from each of the data storage servers to each switch comprises a duplicative operative connection; the connection between the servers maintain switches to utilize the back-up; see col. 11, line 65-col. 12, line 47.

As set forth in claim 23, Bolosky discloses a system wherein each duplicative operative connection comprises a first and second interface; see col. 11, line 65-col. 12, line 47.

As set forth in claim 24, Bolosky discloses a system wherein the first and second data storage servers comprise storage devices with substantially the same data in portions of a total data (the data is striped across the different servers in the same portions for reproduction).

Art Unit: 2153

As set forth in claim 25, Bolosky discloses a system wherein the first and second data storage servers comprise storage devices associated with a plurality of applications (each video data broadcast can be considered a different application).

As set forth in claim 26, Bolosky discloses a system wherein the first and second data storage servers are each associated with a plurality of users; see fig. 2, see col. 5, lines 28-47.

As set forth in claim 27, Bolosky discloses a system wherein each of the first and second data storage servers comprise a hard disk and a processor; (20a-20c (processors), and 22a-22c, 24a-24c (hard disk)).

As set forth in claim 31, Bolosky discloses a method for providing network processing and stored data access, the method comprising the steps of: (a) applying substantially the same application on each of at least first and second servers at substantially the same time (the striping of the identical data across the different storage device); (b) inputting a plurality of data requests associated with the application, a first and second data request input into the first and second servers, respectively (accessing different video programs from the servers from the video on demand devices); col. 5, line 61-col. 6, line 23, (c) generating in response to the first and second data request first and second queries, respectively, with the first and second servers, respectively (part of accessing the servers); and (d) switching the first and second queries to a data storage device operatively connected to each of the first and second servers, (happens when accessing the respective video servers).

Art Unit: 2153

As set forth in claim 32, Bolosky discloses a method further comprising the step (e) of providing a response to the first and second queries data from the data storage device to the first and second servers, respectively (fig. 2, a response to the query is part of the system; see col. 5, lines 1-27).

As set forth in claim 33, Bolosky discloses a method wherein the step (a) comprises applying an application selected from the group of: a mail application, a news application, a directory application, a content application, a groupware application, and an Internet protocol (IP) service; (video can be considered an application, possibly grouped in either content, maybe groupware, possibly news).

As set forth in claim 34, Bolosky discloses a method wherein the step (d) comprises switching the query to one of at least two mirrored data storage devices, the at least two mirrored data storage devices containing, at least in part, substantially identical data; see col. 1, line 54-col. 2, line 42.

As set forth in claim 36, Bolosky discloses a method further comprising the step (e) of adding data to the at least two mirrored data storage devices, the data corresponding to customer data; see col. 1, line 54-col. 2, line 42, it would be identical customer data at least in the sense that the same video data would be striped across the servers.

As set forth in claim 37, Bolosky discloses a method further comprising the step (e) of synchronizing the at least two mirrored data storage devices in response to a failed data storage device comprising one of the at least two data storage devices becoming operational; see col. 1,

Art Unit: 2153

line 54-col. 2, line 42, (when one of the devices fails the system can automatically respond to the system by activating the second server).

As set forth in claim 38, Bolosky discloses a system for providing network processing and stored data access, the system comprising: (a) at least a first server applying an application (one of 18a-18c); (b) a switch operatively connected to the first server (needed to switch to the backup nothing); (c) at least first, second and third data storage servers operatively connected to the switch (18a-18c); (d) wherein the first, second and third data storage servers provide output data at substantially the same time to the first application server (part of broadcasting the video information); and (e) wherein data stored on the first data storage server is mirrored in part on the second data storage server and in part on the third data storage server; see col. 1, line 54-col. 2, line 42, (when one of the devices fails the system can automatically respond to the system by activating the second server).

As set forth in claim 39, Bolosky discloses a system wherein: the server generates a plurality of queries for stored data in response a plurality of requests from at least one user; at least one of said plurality of queries is switched to the first data storage server; at least another of said plurality of queries is switched to the second data storage server; and the output data is provided in response to the queries; (the video data is sent on the basis of clients desires, furthermore, switching occurs when there is a failure in one of the systems).

As set forth in claim 42, Bolosky discloses a system wherein the data stored on the first data storage server comprises first server configuration data (the video information, see fig. 3).

Art Unit: 2153

As set forth in claim 43, Bolosky discloses a system wherein the first, second and third data storage servers operatively connect to a hub, the hub operatively connected to the switch (see fig. 2, the hub could be considered the controller, the data storage servers are connected to the controller).

As set forth in claim 44, Bolosky discloses a method for providing network processing and stored data access, the method comprising the steps of: (a) receiving at least first, second and third user requests at a first server (requests from a plurality of video recipients; see col. 1, line 54-col. 2, line 42, (b) applying an application in response to each of the first, second and third requests with the first server (video data); (c) generating first, second and third queries for stored data in response to applying the application to the first, second and third requests, respectively (the interaction between the client system and the video data); (d) switching the first, second and third queries to at least a first, second and third source of stored data, respectively, the first, second and third sources comprising mirrored data, (when one of the devices fails the system can automatically respond to the system by activating the second server).; (e) mirroring data stored in the first source in part in the second source and in part in the third source (the data is striped across multiple back-up systems); and (f) providing first, second, and third queries, respectively, from the first, second and third sources, respectively to the server.

As set forth in claim 46, Bolosky discloses a method further comprising step (g) of storing server configuration data on at least one of the first, second and third sources of stored data (the video information, see fig. 3).

Art Unit: 2153

As set forth in claim 47, Bolosky discloses a method further comprising step (g) of providing operation signals from each of the first, second and third sources of stored data to a switch and a hub; see fig. 2, the controller, etc.

As set forth in claim 59, Bolosky discloses a system for providing network processing and stored data access, the system comprising: (a) at least a first server applying an application; (b) a switch operatively connected to the first server; (c) at least first and second source of stored data operatively connected to the switch, the first and second source comprising mirrored data; see col. 1, line 54-col. 2, line 42, (d) a hub (controller) operatively connected to the first and second sources of stored data and the switch; and (e) wherein the first and second source of stored data provide output data at substantially a same time to the first server and provide status data to the switch and the hub; see fig. 2.

As set forth in claim 60, Bolosky discloses disclose a system wherein the first server generates a plurality of queries for stored data in response a plurality of requests from at least one user; at least one of said plurality of queries is switched to the first source of stored data; at least another of said plurality of queries is switched to the second source of stored data; and the output data is provided in response to the queries; see col. 11, line 65-col. 12, line 47.

As set forth in claim 63, Bolosky discloses a system wherein the data stored on the first data storage server comprises first server configuration data; see fig. 3.

As set forth in claim 64, Bolosky discloses a system further comprising: at least a third source of stored data and wherein data stored on the first source of stored data is mirrored in part

Art Unit: 2153

on the second source of stored data and in part on the third source of stored data; see col. 1, line 54-col. 2, line 42.

As set forth in claim 65, Bolosky discloses disclose a method for providing network processing and stored data access, the method comprising the steps of: (a) receiving at least first and second user requests at a first server; (b) applying an application in response to each of the first and second requests with the first server; (c) generating first and second queries for stored data in response to applying the application to the first and second requests, respectively; (d) switching the first and second queries to at least first and second source of stored data, respectively, the first and second sources comprising mirrored data; (e) providing first and second output data at substantially a same time in response to the first and second queries, respectively, from the first and second sources, respectively, to the first server and (f) providing operation signals from each of the first and second sources of stored data to a switch and a hub; see col. 1, line 54-col. 2, line 42, see col. 7, lines 39-col. 8, line 12 (explanations of subsections found *supra*).

As set forth in claim 66, Bolosky discloses a method wherein the step (a) comprises routing each of the first and second requests to one of the first and a second servers with the least load, the first and second servers applying the application; see figs. 6-8.

As set forth in claim 67, Bolosky discloses a method further comprising step (g) of storing server configuration data on at least one of the first and second sources of stored data; see fig. 3.

Art Unit: 2153

As set forth in claim 68, Bolosky discloses a method further comprising step (g) of mirroring data stored in the first source of stored data in part in the second source of stored data and in part on a third source of stored data (data is mirrored in on the server in the event of a system failure).

As set forth in claim 69, Bolosky discloses a system for providing network processing and stored data access, the system comprising: (a) at least a first server applying an application; (b) a switch operatively connected to the first server; (c) at least first and second sources of stored data operatively connected to the switch, data of the first and second source comprising mirrored server configuration data; and (d) wherein the first and second source of stored data provide output data at substantially a same time to the first server for the application; see col. 1, line 54-col. 2, line 42, see col. 7, lines 39-col. 8, line 12 (explanations of subsections found *supra*).

As set forth in claim 70, Bolosky discloses disclose a system wherein: the server generates a plurality of queries for stored data in response a plurality of requests from at least one user; at least one of said plurality of queries is switched to the first source of stored data; at least another of said plurality of queries is switched to the second source of stored data; and the output data is provided in response to the queries; see col. 11, line 65-col. 12, line 47.

As set forth in claim 73, Bolosky discloses a system wherein the first and second source of stored data operatively connect to a hub, the hub operatively connected to the switch (fig. 2, see the controller).

Art Unit: 2153

As set forth in claim 74, Bolosky discloses a system further comprising: at least a third source of stored data; and wherein data stored on the first source of stored data is mirrored in part on the second source of stored data and in part on the third source of stored data (22a-22c, and 24a-24b).

As set forth in claim 75, Bolosky discloses a method for providing network processing and stored data access, the method comprising the steps of: (a) receiving at least first and second user requests at a first server; (b) applying an application in response to each of the first and second requests with the first server; (c) generating first and second queries for stored data in response to applying the application the first and second requests, respectively; (d) switching the first and second queries to at least a first and second source of stored data, respectively, the first and second sources comprising mirrored data; (e) providing first and second output data at substantially a same time in response to the first and second queries, respectively, from the first and second sources, respectively to the server; and (f) storing server configuration data on at least one of the first and second sources of stored data; see col. 1, line 54-col. 2, line 42, see col. 7, lines 39-col. 8, line 12, (explanations of subsections found *supra*).

As set forth in claim 77, Bolosky discloses a method further comprising step (g) of providing operation signals from each of the first and second sources of stored data to a switch and a hub; see fig. 2, the controller, etc.

As set forth in claim 78, Bolosky discloses a method further comprising step (g) of mirror data stored in the first source of stored data in part in the second source of stored data and in part

Art Unit: 2153

on a third source of stored data; see col. 1, line 54-col. 2, line 42, the identical video data is striped and spread across the data storage devices.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolosky et al. (US 5,699,503), as applied to claim 1.

Official notice is taken regarding claims 4-9. Utilizing various application processes, such as a mail application, a news application, a directory application, a content application, a groupware application, or an Internet protocol (IP) service are old and notorious in the art. One of ordinary skill in the art would have used any one of these applications in the system as taught by Bolosky. The rationale is as follows: It would have been desirable to have used an application that is used by multiple people. As any of the previously mentioned applications are utilized by many in the field, it would have obvious to one of ordinary skill in the art to have utilized one of these applications in the system as taught by Bolosky, thereby providing an application in the system that is frequently used by end users.

Art Unit: 2153

5. Claims 16 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolosky et al. (US 5,699,503), as applied to claims 1 and 19.

Official notice is taken regarding claims 16 and 28. Having the first and second data storage device comprise network file system servers are old and notorious in the art. One of ordinary skill in the art would have had the storage devices be network file system servers in the system as taught by Bolosky. The rationale is as follows: It would have been desirable to have had the storage devices act as a standardized server system in order to retrieve information. It would have been obvious to one of ordinary skill in the art to have had the storage devices be network file system servers in the system as taught by Bolosky, thereby providing standardized means for retrieving the information.

6. Claims 17, 18, 29, 30, 35, 40, 41, 45, 48-58, 61,62, 71, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolosky et al. (US 5,699,503), as applied to claims 1, 19, 31, 38, 44, 59, 69, in view of Peacock (US 4,914,570).

Bolosky does not disclose having a load balancer. Peacock discloses having a load balancer in operation with multiple processors; see col. 12, lines 50-58. It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the system of Bolosky, with a load balancer, as taught by Peacock. The rationale is as follows: It would have been desirable to have been able to efficiently process the information. As Peacock teaches the desirability of using a load balancer, one of ordinary skill would have been

Art Unit: 2153

motivated by Peacock's teaching to have provided a load balancer to the system of Bolosky, thereby having provided efficient means for processing the information, and preventing the breakdown of the system.

As set forth in claim 48, Bolosky discloses a system for providing network processing and stored data access, the system comprising: (a) at least first and second servers operative to simultaneously process at least first and second user requests, respectively, each of the first and second application processors applying substantially the same application at substantially the same time; see fig. 2; see col. 1, line 54-col. 2, line 42, (when one of the devices fails the system can automatically respond to the system by activating the second server), (c) a switch operatively connected to the first and second servers (needed to switch between the servers); (d) at least first and second sources of stored data operatively connected to the switch the first and second source comprising mirrored data (the identical video data is striped across multiple servers); and (e) wherein the first and second source of stored data provide output data at substantially a same time to the first and second servers for the application (part of the video demand information).

As set forth in claim 49, Bolosky discloses a system wherein: at least one of the first and second servers generates a plurality of queries for stored data in response a plurality of requests from at least one user; at least one query is switched to the first source of stored data; at least another query is switched to the second source of stored data; and the output data is provided in response to the queries (in the event of a system failure the video data will be switched from the failed server to the operating secondary server).

Art Unit: 2153

As set forth in claim 50, Bolosky discloses a system further comprising: at least a third source of stored data; and wherein data stored on the first source of stored data is mirrored in part on the second source of stored data and in part on the third source of stored data (see fig. 2).

As set forth in claim 52, Bolosky discloses a system wherein the data stored on at least the first source of stored data comprises first server configuration data; see fig. 3.

As set forth in claim 53, Bolosky discloses a system wherein the first and second source of stored data operatively connect to a hub, the hub operatively connected to the switch; see fig. 2, the controller, etc.

As set forth in claim 54, Bolosky discloses a method for providing network processing and stored data access, the method comprising the steps of: (b) applying substantially the same application in response to each of the first and second requests with the first and second servers (the mirroring application); (c) generating first and second queries for stored data in response to applying the application to the first and second requests, respectively; (d) switching the first and second queries to at least first and second sources of stored data, respectively, the first and second sources comprising mirrored data; and (e) providing first and second output data at substantially a same time in response to the first and second queries, respectively, from the first and second sources, respectively to at least the first and second servers; see col. 1, line 54-col. 2, line 42.

As set forth in claim 56, Bolosky discloses a method further comprising step (f) of storing server configuration data on at least one of the first and second sources of stored data; see fig. 3.

Art Unit: 2153

As set forth in claim 57, Bolosky discloses disclose a method further comprising step (f) of providing operation signals from each of the first and second sources of stored data to a switch and a hub; see fig. 3, the controller, etc.

As set forth in claim 58, Bolosky discloses a method further comprising step (f) of mirroring data stored in the first source of stored data in part in the second source of stored data and in part in a third source of stored data; see col. 1, line 54-col. 2, line 42.

Response to Arguments

7. Applicant's arguments with respect to claims 1, and 3-78 have been considered but are moot in view of the new ground(s) of rejection.

The Applicant amended the claims to reflect the change from processors to servers. In response the Examiner has provided a rejection based on Bolosky in response.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2153

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Duguay et al. (US 6,266,694) discloses an architecture for a network manager.

Kenner et al. (US 6,112,239) discloses a system and method for server side optimization of data delivery on a distributed computer network.

Glenn, II et al. (US 5,852,724) discloses a system and method "n" primary servers to fail over to "1" secondary server.

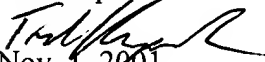
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod Kupstas whose telephone number is (703) 305-2655.

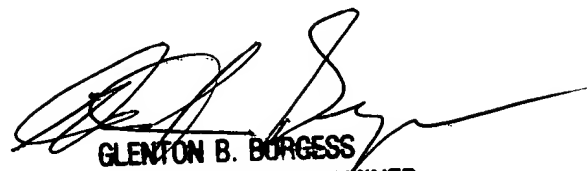
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached at (703) 305-4792. The fax phone number for this art unit is (703) 308-6743. Any inquiry of a general nature or relating to the status of this

Art Unit: 2153

application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

Tod Kupstas


Nov. 1, 2001


GLENDA B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100